

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**BILLITTERI ET AL,  
Plaintiffs,**

**v.**

**SECURITIES AMERICA, INC. ET AL,  
Defendants.**

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**Case no. 3:09-cv-1568-F**

**ORDER DENYING WITHOUT PREJUDICE  
PLAINTIFFS' MOTION TO CERTIFY CLASS**

BEFORE THE COURT is Plaintiffs' Motion for Class Certification, filed on September 17, 2010 (Docket No. 118). In their Motion, Plaintiffs sought to certify a class of investors against five brokers who are defendants in this case. Since the filing of this Motion, one of the defendants against whom this motion was filed, QA3 Financial Corporation, is no longer a party to this litigation, and the Court is in the process of deciding whether to approve settlements of claims against two of the other defendants in this litigation, Securities America, Inc. and Capital Financial Services, Inc. As the circumstances in this litigation pertaining to the instant Motion have fundamentally changed, the Court shall not consider the instant Motion in its current form at this time. Accordingly, Plaintiffs' Motion to Certify Class is DENIED WITHOUT PREJUDICE.<sup>1</sup> Should Plaintiffs have reason to file a renewed motion to certify a class regarding claims against any of the

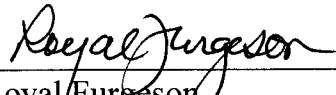
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<sup>1</sup>This resolves Docket No. 118.

defendants in this case, they shall have the opportunity to do so at a later stage of this litigation.

IT IS SO ORDERED.

Signed this 17<sup>th</sup> day of May, 2011.

  
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Royal Furgeson  
Senior United States District Judge